

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JORDAN F. HEATH-HAMILTON,

Plaintiff,

v.

JORDAN HEATH TRUST, *et al.*,

Defendants.

No. 4:20-CV-01243

(Judge Brann)

(Magistrate Judge Mehalchick)

ORDER

OCTOBER 28, 2020

Plaintiff filed the instant action on July 20, 2020. The case was reassigned to me and referred to Magistrate Judge Karoline Mehalchick. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On October 6, 2020 Magistrate Judge Mehalchick, to whom this matter is jointly assigned, issued a thorough report and recommendation, recommending that because this Court lacks jurisdiction over the matter, Plaintiff’s complaint be

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

dismissed without prejudice, that final judgment be entered in favor of Defendants, and that the Clerk of the Court be directed to close the case.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”³ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁴

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Mehalchick’s October 6, 2020 Report and Recommendation (Doc. 17) is **ADOPTED in full**.
2. Plaintiff’s complaint is dismissed without prejudice, such that he may pursue his claim in state court if he chooses to. Final judgment is entered in favor of Defendants.

³ Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. The Clerk is directed to **CLOSE** the case file.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge